

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 3, 2006

DIVISION ONE

B185658 Morris S. Getzels, et al.
 v.
 Grail Technology Pte. Ltd., et al.

B188925 Donald Stern et al.
 v.
 The Superior Court of Los Angeles County,
 (Morris S. Getzels, et al., Real Parties in Interest)

The order of July 25, 2005, quashing service of summons on Grail Technology Pte. Ltd. is affirmed. The order of August 2, 2005, denying Robert Stern's motion to set aside default and the default judgment is reversed and on remand the trial court is directed to grant the motion and to afford Robert Stern a reasonable time to respond to the complaint.

Let a peremptory writ of mandate issue commanding respondent superior court to stay any and all proceedings to enforce the default judgment entered in Los Angeles Superior Court case No. BC309654, entitled *Morris S. Getzels et al. v. Grail Semiconductor, Inc. et al.*, pending resolution of the case between the plaintiffs and defendant Robert Stern.

Grail Technology Pte. Ltd. and Robert Stern are entitled to their respective costs on appeal. Donald Stern and Robert Stern are entitled to costs on their writ petition.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Rothschild, J.

DIVISION TWO

B183085 Bradford
v.
Toyota Financial Services, et al.

Filed order denying petition for rehearing.

[illegible]

The Court:

The judgment is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

[illegible]

The sentence is reversed and this matter is remanded for resentencing consistent with this opinion. The trial court is directed to modify the credits given to appellant as set forth herein. The judgment is otherwise affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

DIVISION THREE

B188189 Duncan T. (Not for Publication)

v.

Superior Court, Los Angeles County
(The People, r.p.i.)

The petition for writ of mandate is granted. Let a peremptory writ issue in the first instance directing the respondent court to recall and quash the arrest warrant issued against petitioner Duncan T. No costs are awarded in this proceeding. The stay order is vacated.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B182382 People (Not for Publication)

v.

Orlando Nery Chamale

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B181449 Pocino (Not for Publication)

v.

Jostens, Inc.

The trial court judgment is affirmed. Defendants are to recover costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B184073 Los Angeles County, D.C.S. (Not for Publication)
v.
Marili V.,

The orders are affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B184157 Bellone (Not for Publication)
v.
Hekmatjah, et al.

The summary judgment from which plaintiff has appealed is affirmed.
Costs on appeal to defendants.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

B181067 Alejandro A., a minor (Not for Publication)
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

Treating Alejandro's appeal as a petition for a writ of habeas corpus, we hereby grant the petition. Let a writ of habeas corpus issue to the juvenile court with directions to make a retrospective determination whether Alejandro was competent in 2001 to admit the second degree robbery which was the basis for sustaining the Welfare and Institutions Code section 602 juvenile wardship petition.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B178279 Cychner, et al. (Not for Publication)
 v.
 Food 4 Less Holdings, Inc., et al.

The defendants' appeal from the judgment is dismissed. The judgment is affirmed, and the order granting a new trial is reversed. The defendants are entitled to recover their costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B187038 Mark S., Sr. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles County Department of Children and Family Services , r.p.i.)

The parties agree that defective Indian Child Welfare Act ("ICWA") notice made the juvenile court's November 2, 2005, order erroneous. Accordingly that order is reversed. The matter is remanded with directions to the juvenile court to make a new determination whether proper ICWA notice has been given and whether the ICWA applies to this case. If, after this hearing, the juvenile court determines that the children are not Indian children and that the ICWA does not apply, the juvenile court should reinstate all previous orders. Alternatively, if the juvenile court determines that the children are Indian children and the ICWA applies to these proceedings Father is entitled to petition the Juvenile court to invalidate orders which violated 25 United States Code sections 1911, 1912, and 1913. (See 25 O.S.C. 1914 & Cal. Rules of Court, rule 1439(n)(1).) This court expresses no opinion regarding juvenile court proceedings conducted after the November 2, 2005, order.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION FOUR

5-3-06

992565-06

The HONORABLE DANIEL A. CURRY, Retired Associate Justice of the Court of Appeal, Second Appellate District, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Four, as a justice thereof, on the following dates:

May 2, 2006 to May 31, 2006

And until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

Dated: May 2, 2006

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION FIVE

B183173 Atlas Construction Inc., (Not for Publication)
 v.
 Antonio Miano

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Mosk, J.

May 3, 2006 (Continued)

DIVISION SIX

B184527 People (Not for Publication)
v.
Ibarra

The conviction on count one is reversed and the cause is remanded for resentencing on count two.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B166126	People v. Leighton & Williams
B178808	People v. DeLaTrinidad
B179284	People v. Blades
B180004	People v. Walker
B180898	People v. Yevgenly K.
B180928	People v. Dodds
B181426	People v. Bonilla
B181528	People v. Israel P.
B181968	People v. Braido
B181976	People v. Rodriguez
B182137	People v. Pott
B182341	People v. Franco
B182468	People v. Garay
B182601	People v. Jenkins
B182731	People v. McCovery
B183088	People v. Caleb B.
B184960	People v. Heather H.

DIVISION SEVEN (Continued)

Each of the following (continued):

B187107 People v. Juan C.
B182714 Chapman v. Broman
B183004 Chapman v. Broman

Argument waived, cause submitted.

B178951 People
 v.
 Jones

Merits:

Argued by Victor Sherman for appellant and by Suzann Papagoda, Deputy Attorney General for respondent. Cause submitted.

B179602 People
 v.
 Gonzalez

Merits:

Argued by Mark Davis for appellant and by Noah Hill, Deputy Attorney General for respondent. Cause submitted.

Court recessed at 9:47 a.m.

Court reconvened at 10:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

DIVISION SEVEN (Continued)

B181491 Randle
 v.
 Sterling as Trustee of the Meadowbrook
 First Federal Bank

Merits:
Argued by Steven Richman for respondent. No appearance for appellant.
Cause submitted.

B177632 Melendrez
 v.
 Melendrez

Merits:
Argued by Vincent Davis for appellant and by Thomas Dovidio for
respondent. Cause submitted.

B184995 In re Larry Seijas
 On
 Habeas Corpus

Merits:
Argued by Andrew Flier for petitioner and by Jason Tran, Deputy Attorney
General for real party in interest. Cause submitted.

B179094 Hou et al.,
 v.
 Wang

Merits:
Argued by Ira Reiner for appellant and by Donald Adams for respondents.
Cause submitted.

Court recessed at 11:28 a.m.

DIVISION SEVEN (Continued)

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

B181181 Mitchell
 v.
 Hemacare Corp.

Merits:
Argued by Alfred Anyia for appellant and by Kevin Hillyer for respondent.
Cause submitted.

B179669 Schott
 v.
 Foremost Insurance Company

Merits:
Argued by Steven Zelig for appellants and by Mark Bonino for respondent.
Cause submitted.

B180232 Wilhelmi
 v.
 Health Net Life Insurance

Merits:
Argued by Raul Martinez for appellant and by Dan Heck for respondent.
Cause submitted.

B177807 AES Redondo Beach
 v.
 County of Los Angeles

Merits:
Argued by Wade Norwood for appellant and by Albert Ramseyer, Deputy County Counsel for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B179790 Ultramet, Inc.,
v.
Scottsdale Insurance Company

Merits:

Argued by Stephen Thomas for appellant and by Alan Yuter for respondent. Cause submitted.

Court adjourned.

DIVISION EIGHT

B180134 Camacho (Certified for Partial Publication)
v.
Automobile Club of Southern California et al.,
Bell Corporation of America

The order denying Exchange's motion to strike the complaint under Code of Civil Procedure section 425.16 and the judgment are affirmed. The parties are to bear their own costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
Boland, J.

B179251 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

DIVISION EIGHT (Continued)

B181867 People (Not for Publication)
v.
King

The case is reversed and remanded for the purpose of resentencing regarding imposition of the upper or middle term as to count one and to correct the abstract of judgment to substitute subdivision (b) of section 12022.53 for subdivision (a) of the same section. In all other respects, the judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B184031 Banales (Not for Publication)
v.
AT&T Wireless Services, Inc.,

The judgment is reversed. Each side to bear their own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B179233 People (Not for Publication)
v.
Orcutt et al.,

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

May 3, 2006 (Continued)

DIVISION EIGHT (Continued)

B181966 People
 v.
 Jenkins

Filed order granting petition for rehearing. The matter will be deemed resubmitted as of May 15, 2006.